

## **REMARKS**

Applicant respectfully requests reconsideration and allowance of the subject application. Claims 1-9 have been amended. New claims 52-71 have been added. Claims 1-10 and 52-71 are now pending.

### **35 U.S.C. § 101**

Claims 1-9 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Applicant has amended claim 1 herein. Applicant submits that claim 1, as amended, is directed to statutory subject matter. In particular, amended claim 1 recites a computer-implemented method that analyzes financial accounts, determines whether an adjustment of assets is beneficial, and generates a recommendation to adjust funds if such an adjustment would benefit the account holder. Thus, amended claim 1 recites more than mere "mental computations". For at least these reasons, Applicant submits that amended claim 1 is directed to statutory subject matter. Accordingly, Applicant respectfully requests that the §101 rejection be withdrawn.

### **35 U.S.C. § 103**

Claims 1-10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,018,722 to Ray et al. (hereinafter "Ray"). Applicant respectfully submits that claims 1-10 are not anticipated by Ray.

Ray discloses:

A computer implemented expert securities portfolio investment management system which operates as Registered Investment Advisor. The system automatically defines personal customer objectives, designs

individualized investment portfolios, adjusts portfolios for economic environment, researches and selects specific securities, evaluates and determines the proper time to buy and sell customer securities, generates orders to buy and sell customer securities, updates customer account information and provides tax and performance reports. Research data and personal account information are updated on a timely, periodic basis. (Ray Abstract).

The disclosure of the Ray reference focuses on a typical brokerage account or portfolio. "This powerful tool enables untrained individuals to manage their portfolio with superior expertise, integrity and single minded devotion to achieving their personal objectives, and avoids the need for investors to interact with a salesperson." Col. 2, lines 10-14. "Fig. 4 is a flow chart describing the expert system automatic management process;" Col. 3, lines 51-52. Fig. 4 of Ray shows a single customer brokerage account, labeled with reference number 128. Thus, Ray discloses managing holdings in individual accounts or individual portfolios. For example, Ray discloses tools related to selling holdings in a brokerage account and buying holdings in the brokerage account.

Claim 1 of the present application, as amended, recites:

A computer-implemented method comprising:  
analyzing a first financial account associated with a first financial institution;  
analyzing a second financial account associated with a second financial institution, wherein the first financial account and the second financial account have a common account holder;  
determining whether an adjustment of assets among the first financial account and the second financial account would benefit the account holder; and  
generating a recommendation describing the adjustment of assets if the adjustment would benefit the account holder.

As discussed above, the Ray reference discloses a brokerage account for each customer at a single financial institution, such as a brokerage firm. The Ray reference fails to disclose or suggest “analyzing a first financial account associated with a first financial institution” and “analyzing a second financial account associated with a second financial institution, wherein the first financial account and the second financial account have a common account holder”, as recited in amended claim 1. Ray fails to disclose or suggest analyzing multiple financial accounts at different financial institutions. In contrast, Ray discloses analyzing a single account, such as a brokerage account, at a single financial institution, such as a brokerage firm. Thus, Ray teaches away from the analysis of multiple financial accounts at different financial institutions.

The Office Action alleges, “It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the step of associating each asset with a separate financial institution to the invention of Ray. The combination of the disclosures taken as a whole suggests that account holders would have benefited from the diversification and the chance to maximize the total returns of their holdings.” (Office Action, page 4).

Applicant submits that the Ray reference provides no motivation to consider the use of separate financial accounts at different financial institutions. Ray fails to disclose or suggest the separation of a brokerage account into two different accounts at two different financial institutions. Such activity is completely contrary to the teachings of Ray. Further, applicant fails to see how the separation of the brokerage account in Ray would provide any benefit

regarding diversification or maximizing returns, as alleged in the portion of the Office Action referenced above.

Thus, for at least these reasons, Applicant respectfully submits that claim 1 is allowable over the Ray reference. Given that claims 2-10 and 52-58 depend from claim 1, Applicant respectfully submits that claims 2-10 and 52-58 are likewise allowable over the Ray reference for at least the reasons discussed above.

Applicant respectfully requests that the §103 rejections be withdrawn.

#### **New Claims**

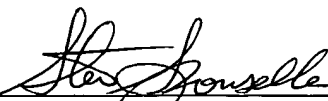
Applicant respectfully submits that new claims 52-71 are allowable over the Ray reference for at least the reasons discussed above.

#### **Conclusion**

Claims 1-10 and 52-71 are in condition for allowance. Applicant respectfully requests reconsideration and issuance of the subject application. Should any matter in this case remain unresolved, the undersigned attorney respectfully requests a telephone conference with the Examiner to resolve any such outstanding matter.

Respectfully Submitted,

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